

# EXHIBIT 9



OXYGENATED FUELS ASSOCIATION, INC.

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OXYGENATED FUELS ASSOCIATION

MTBE TECHNICAL COMMITTEE MEETING

MINUTES

Friday, January 23, 1987  
1130 Connecticut Avenue, NW  
Washington, DC

There was a meeting of the Oxygenated Fuels Association MTBE Technical Committee on Friday, January 16th, 1987. The meeting was held at 1130 Connecticut Avenue, NW, Suite 300, Washington, DC, convening at 10:00 a.m. and adjourning at 12:30 p.m.

ATTENDANCE

Present: Messrs. D. Talsma, Amoco Corp.; G. Capaldi, Arco; J. DeJovine, Arco; E. Guetens, Arco; W. Kuhn, Arco; E. Buchanan, Celanese Consultant; R. Murray, Celanese; R. Hoag, Champlin; B. Wells, Chemical Fuels; D. Morgan, Cleary, Gottlieb, Steen & Hamilton; (Ms.) E. Thom, Diamond Shamrock; R. Ganz, Exxon; G. Dominguez, OFA; R. Cook, Phillips; M. Hyland, Snamprogetti; G. Crow, Sun; B. Davis, Sun; (Ms.) R. Parsons, Sun; J. Delpup, Texaco; J. Thomas, Texaco; J. Shelton, Texas Petrochemical; and B. Glasscock, Valero.

WELCOME AND INTRODUCTION

Mr. Buchanan, Chairman of the Oxygenated Fuels Association, opened the meeting by welcoming those present and thanking them for attending. He explained that Mr. Wayne Kuhn, Vice Chairman of OFA, had intended to open the meeting but unfortunately was delayed and that Mr. Ed Guetens from Arco would speak on behalf of Mr. Kuhn by adding his words of welcome as well as explaining the rationale behind the establishment of an MTBE group.

Before doing so however, he called upon OFA's attorney, Mr. Don Morgan to provide an antitrust reminder.

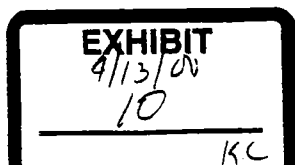
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RATIONALE BEHIND THE ESTABLISHMENT OF AN MTBE GROUP

Mr. Ed Guetens, Arco, added his words of welcome and appreciation to those in attendance. Mr. Guetens indicated that Mr. Kuhn was expected momentarily, but rather than delay the meeting he proceeded to explain that in

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Arco's view and in the view of OPA, it was important to consider the establishment of an MTBE group, not only because of the EPA action which might necessitate toxicological and environmental effects of MTBE, but in order to provide an organization that could be responsive to the overall needs of the development of MTBE itself.

In this context, Mr. Guetens reviewed the information contained in the letter of invitation to the meeting and, in specific, the paper prepared by Mr. Dominguez, Executive Director of OPA, entitled Proposal and Rationale for the Formation of an MTBE Group.

Mr. Guetens indicated that among the numerous objectives that such an organization might have were the following:

1. Represent MTBE interest to EPA re: ITC action;
2. Provide a forum in which MTBE producers, importers and users could provide a basis for responding to environmental concerns that have been raised in a number of states regarding groundwater contamination;
3. Prepare technical literature; and
4. Assist in market development by providing an organization which would be able to provide information to the government and public.

In summary, he indicated that serious consideration should be given to the establishment of the group. OPA has, as a matter of fact, been considering such a group even prior to the EPA/ITC action. The ITC action, however, does because of the February deadline for data development and submission lent impetus to the need for forming an organization that could provide the necessary institutional and infrastructural support to be responsive to the EPA.

In this context, it was felt that because OPA already exists, has an outstanding technical reputation with EPA and is familiar with both the oxygenates and petroleum industries that it would be logical to establish the group within OPA. Mr. Buchanan, and later Mr. Kuhn, echoed these sentiments as did others who are familiar with OPA such as Dr. Brian Davis from Sun.

Subsequent to Mr. Guetens presentation, Mr. Buchanan asked Mr. Dominguez to review his as well as OPA's qualifications. Mr. Dominguez briefly reviewed his experience with Ciba-Geigy, EPA, a number of regulatory agencies and his knowledge and experience in the field of environmental health and toxicology. Insofar as OPA is concerned, he explained that it is an affiliate with SOGMA, SOGMA acting as an administrative organization providing the basic infrastructural needs such as office space, equipment, etc., on an hourly rate fee basis. OPA itself, however, is a separately incorporated legal entity with its own Board, Executive Committee and budget.

In the context of ITC activities, Mr. Dominguez explained that SOGMA now administers some 18 so-called Special Projects such as OPA, several of which

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are involved with ITC activities. He explained that the original of several of these groups was for potential ITC action. SOCMA and its staff are thoroughly familiar with the ITC procedures and has a good working relationship with EPA. From a legal viewpoint he explained that SOCMA's counsel is also Cleary, Gottlieb and asked Mr. Morgan to comment briefly on their experience with ITC.

Mr. Morgan then indicated that, as Mr. Dominguez stated, SOCMA does administer several groups involved with EPA/ITC actions. Cleary, Gottlieb has acted as counsel to these organizations and has experience with TSCA from its pre-enactment in the late 1960's and early 1970's through to the present time. The firm is well-experienced and also has a good relationship with and working knowledge of EPA.

#### REVIEW OF EPA/ITC ACTIONS

Mr. Gene Capaldi, Arco, provided a review of the EPA/ITC actions regarding MTBE. He briefly outlined the procedures under TSCA by which ITC makes recommendations and indicated that MTBE had been referred to EPA by ITC with an 'intention to designate' for testing. The basis of the ITC concerns appear to be a high volume chemical with potential broad human exposure lacking in certain long-term toxicological test data. In specific, ITC has recommended testing for oncogenicity, neurotoxicity and effects on the blood forming organs. From an environmental viewpoint, EPA is also concerned about groundwater contamination based on questions that have been raised by a number of states including Maine and North Carolina.

Mr. Capaldi provided a review of the actions to be taken including individual company obligations to report any safety or health data as well as exposure information in their possession or control pursuant to Sections 8(a) and 8(d) of TSCA.

#### REVIEW OF GROUNDWATER CONTAMINATION ISSUE

Mr. James Dejovine reviewed the question of groundwater contamination highlighting the study conducted in the state of Maine and distributed a copy of the paper entitled Methyl-Tertiary Butyl Ether as a Groundwater Contaminant prepared by Dr. Peter Garrette, Marcel Moreau, and Jerry D. Lowry of the University of Maine. In this paper, Dr. Garrette and his co-authors contend that MTBE is a 'pollution enhancer' since it solubilizes other pollutants in gasoline and increases leachates. Dr. Garrette has accordingly recommended a ban on MTBE over and above the 50 ppb maximum contaminant level already established for MTBE in Maine.

Mr. Dejovine indicated that other states such as North Carolina have also raised this question and that while it was not a concern raised by the ITC in their recommendation to EPA that EPA in their December 16th, 1986, focus meeting had indicated that they intended to address the environmental issue as well as the toxicological concerns raised by ITC in their review.

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In summary, Arco feels that this is an extremely important issue although from tests that they have conducted they do not believe that there is any technical merit to Dr. Garrette's contention.

Mr. Dominguez indicated that he has attempted to contact Dr. Garrette in order to meet and discuss his findings with him, in particular, the basis for the establishment of the 50 ppb limit. Mr. Dominguez also indicated that he has been in touch with authorities in the state of North Carolina and is attempting to arrange a meeting with them to pursue the environmental/groundwater issue.

#### ORGANIZATIONAL CONSIDERATIONS

Mr. Kuhn having arrived at the meeting apologized for being late and repeated, in brief, the comments made by Mr. Guetens regarding the importance of the formation of the group and the role that it could play not only in being responsive to EPA, but in representing MTBE interests in general. He then asked Mr. Dominguez to provide some views regarding the potential organization of an MTBE group.

Mr. Dominguez indicated that OFA has recently decided to concentrate efforts on MTBE and in that context has proposed organizing the Association into three major line of activity: neat methanol, blends, and MTBE.

In the context of the MTBE activity, the various program elements that could be undertaken were indicated already by Messrs. Buchanan, Kuhn and Guetens, as well as in the white paper entitled Rationale for the Formation of an MTBE Group. Mr. Dominguez therefore, emphasized that organizational aspects and stated that from an administrative viewpoint, the organization could be operated through OFA under the SOGMA auspices. He indicated that it would be feasible to designate dues to specific areas of activity and that those who might be interested in supporting only the MTBE effort could, through joining the organization designate a certain percentage of their dues for general administrative overhead with the majority being designated for MTBE programs per se if they so desired.

Mr. Kuhn thanked Mr. Dominguez. In the subsequent discussion, several questions were raised regarding the possibility of forming the MTBE group totally separate from OFA and whether or not anyone who wanted to join an MTBE group automatically if it was under OFA had to join OFA. With respect to the first question, Mr. Dominguez indicated that while it was administratively possible to establish a totally separate organization, for several reasons, not the least of which OFA's existing reputation with EPA, indicated that it would be more desirable to organize under OFA. Several present agreed with this observation. With regard to actually joining OFA, it was felt that this would be desirable but that perhaps it would be possible to have companies who had concerns with being a member of the Association as such, could merely join the MTBE task force of the Association. The question was raised regarding dues and Mr. Kuhn indicated initially that the dues should be fixed in the

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amount of those now being paid by primary methanol producers to OPA namely \$30,000 per year. This resulted in substantial discussion, many present feeling that some form of sliding scale would be more appropriate rather than a fixed fee. Again, it was that this concern could be accommodated.

In view of the complexity of establishing a new organization and since many present felt that they needed to have further discussions within their own firms, it was decided to have a technical meeting which would more clearly refine the immediate needs in terms of being responsive to EPA, develop a budget and prepare for a more precise consideration of the organization and dues. It was recommended that second technical meeting be held to be followed by a Policy Committee meeting. Accordingly, a technical committee was scheduled for Friday, January 23rd at 8:00 a.m. at OPA's offices to be followed-up with a Policy meeting on January 28th at OPA's offices.

Copies of Documents Distributed at the Meeting

Copies of the following documents were distributed at the meeting and are therefore, not attached to this copy of the minutes.

Information Review, tert-Butyl methyl ether, IR-444, March 7, 1986

Arco Chemical Company, Supplemental Comments - MTBE 19th ITC Report to EPA

Exxon, Evaluation of Proposed Testing by ITC on Methyl Tert-Butyl Ether  
A.W. Lington, December 12, 1986

There being no further discussion the meeting adjourned at 12:30 p.m.

Respectfully submitted,

s/George S. Dominguez

Executive Director

Approved:

s/Donald L. Morgan

Counsel

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